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Environmental Protection Agency

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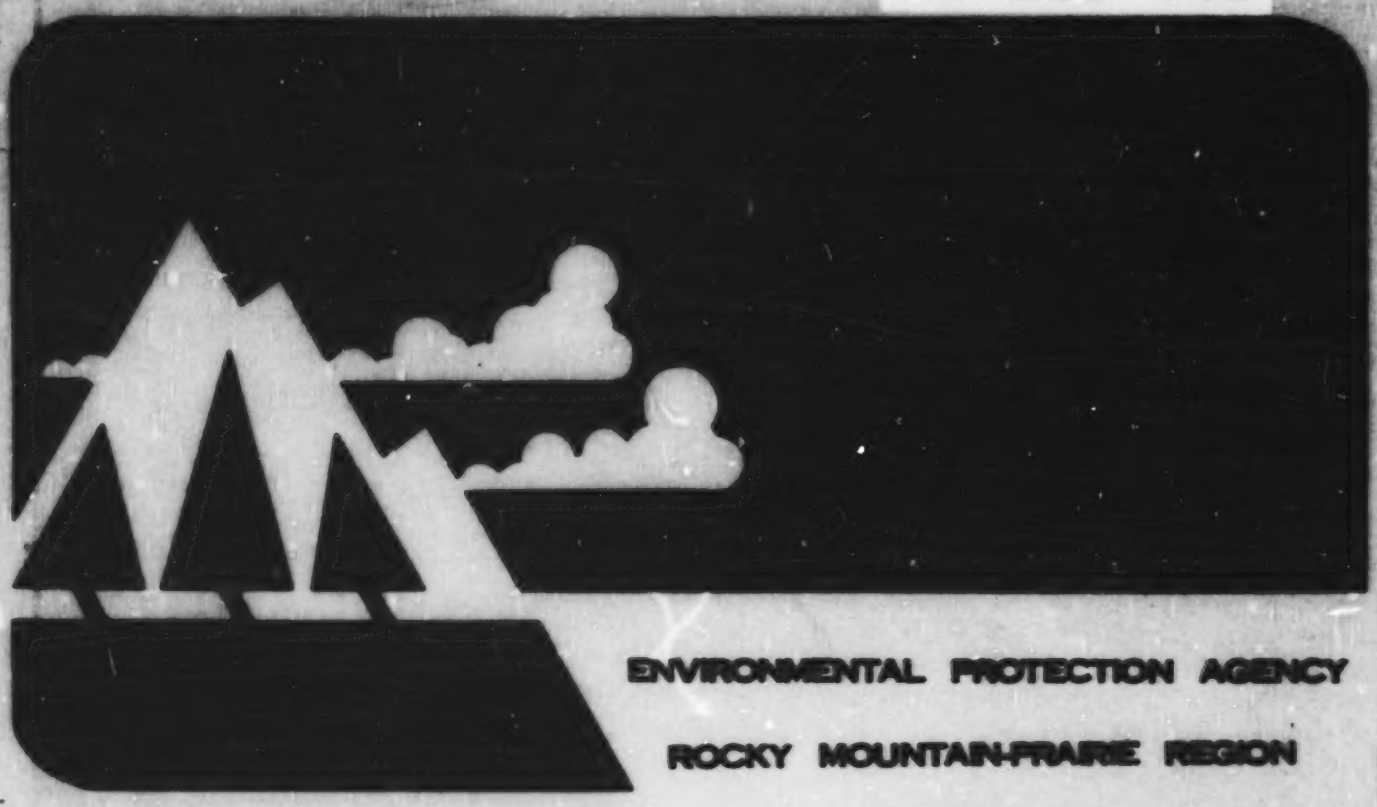

ENVIRONMENTAL PROTECTION AGENCY

ROCKY MOUNTAIN-PRAIRIE REGION

REGION VIII

ENFORCEMENT OF STATE

IMPLEMENTATION PLAN COMPLIANCE SCHEDULES

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ACCOMPLISHMENT PLAN

REGION VIII

ENFORCEMENT OF STATE IMPLEMENTATION PLAN
COMPLIANCE SCHEDULES

JUNE 5, 1972

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COLORADO COMPLIANCE SCHEDULES

I. Priority Areas Covered:

A. Priority I

1. Pawnee - Particulates

2. Denver - Particulates, CO, HC and SO_x

3. San Isabel - Particulates

B. Priority IA

1. Four Corners - Particulates, SO_x and NO_x

II. Problem Assessment:

A. State Statutory Law and Regulations

Regulations have been adopted for the national air pollutants, and they are presently effective. Therefore, compliance schedules are necessary for those stationary sources which cannot meet the specific regulation requirements. Statutory authority exists for establishing compliance schedules in Colorado for the attainment of the standards for national air pollutants. Such compliance schedules are developed through the variance procedure. Under Colorado law failure to meet any condition of a compliance schedule voids the same and subjects the source to immediate enforcement penalties.

Although no problems are anticipated as to those sources which are not yet under compliance schedules, we will monitor closely the schedules which the State develops to determine whether they are legally and technically sufficient.

Generally, the Federal-State relationship is excellent and an effective joint effort to achieve national standards is likely.

B. State Air Quality Region

1. Pawnee: Particulates caused by sugar beet processing and alfalfa dehydration plants are the major problem in this AQCR and variances or compliance schedules and the content will have to be studied.

2. Denver: Particulates, CO, HC and O_x ambient level problems are caused for the most part by mobile sources, with power plants contributing. At present, power plants are under a compliance schedule.

3. San Isabel: Excessive particulate level is caused in part by CF&I Cement Plant near Florence, Colorado, and Rock Wool Company in Pueblo. Sources are under compliance schedule.

4. Four Corners: Particulates, SO_x and NO_x levels result from power plant operations in adjoining states.

III. Agency Objectives

A. Ensure attainment and maintenance of national primary ambient air quality standards for particulates, SO_x and NO_x by July 31, 1975, and for CO and hydrocarbons and oxidants by 1977 (two year extension granted), by overseeing the proper administration and enforcement by the State of regulations and variances (compliance schedules) pertaining thereto. Objective applies to whole State.

B. Assist in the development of legally and technically adequate compliance schedules not yet established for all sources producing excessive emissions by February 15, 1973, and enforce the same.

IV. Approach:

Since it is felt that the Colorado Air Pollution Control Commission has adequately addressed itself to bringing sources into compliance by 1975, our approach will be to monitor compliance schedules closely to see that effective progress toward the attainment of national ambient air quality standards is made. Any violations of Section 113 of the Clean Air Act will be vigorously pursued.

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TYPE OF PLAN . SUB-ELEMENT . PART SUB-ELEMENT . GEOGRAPHICAL AREA	2. PROGRAM SUB-ELEMENT TITLE Stationary Source Enforcement - Compliance Schedules	3. SUB-ELEMENT NO. 3A1121	4. SHEET NO. 1of 1
	5. GEOGRAPHICAL AREA TITLE Colorado: Pawnee, Denver, San Isabel, & Four Corners AQCR	6. GEOGRAPHICAL AREA CODE 08	7. PRIORITY I & IA

CODE	9. NO.	10. SCHEDULE DATE OF COMPLETION	11. PLANNED ACCOMPLISHMENTS
	1	2-15-73	Ensure that remaining compliance schedules developed by State are legally and technically enforceable and are submitted by 2-15-73.
	2	Ongoing	Monitor compliance schedules to ensure that sources are complying with conditions and interim dates; bring Federal enforcement action when violations of Section 113 occur and State enforcement action is deemed inadequate.
	3	7-31-75/77	Achieve attainment of national primary ambient air quality standards for particulates, SO_x and NO_x by July 31, 1975, and for CO and hydrocarbons - oxidants by July 31, 1977 (2 year extension granted).

12. FY 1973		13. FY 1974		14. PREPARED BY AND DATE	15. REVIEW BY AND DATE
a. $1000	b. MAN-YEARS	a. $1000	b. MAN-YEARS	Tom Rogers June 6, 1972	
				16. APPROVED FOR RPIO	

EPA Form 3500-4 (Rev. 4-72)

PLANNED ACCOMPLISHMENTS SCHEDULE

MONTANA COMPLIANCE SCHEDULES

I. Priority Areas Covered

A. Priority I - Missoula - Particulates

B. Priority IA - Great Falls - SO_x *

- Helena - Particulates and SO_x

*NOTE: That the plan submitted has inadequate SO_x emission standards; however, standards will be promulgated, and implemented and enforced, if State does not submit by deadline date or if the State does not enforce its own more stringent standards.

II. Problem Assessment

A. State Statute and Regulations

Emission control regulations for all national air pollutants, with the exception of SO_x requirements for smelters, have been adopted by the State, and approved by EPA. These regulations all contain a final effective date for compliance with national standards. Some regulations provide for interim progress dates, which vary with each pollutant depending upon the difficulty of meeting the established standard. In addition, where a source cannot meet the requirement of a regulation, a variance establishing a different compliance schedule may be obtained. The statutory authority to enforce violations of compliance schedules, whether established through regulations or variances, appears to be adequate.

With respect to a regulation for SO_x emissions from smelters, it is not expected that the State will submit such a regulation before July 31, 1972. Consequently, an enforceable regulation will have to be Federally promulgated.

Local agencies in Cascade, Missoula, and Yellowstone Counties have been granted authority, pursuant to statute, to enforce air pollution control plans for these areas. Information to date indicates that enforcement will proceed adequately under local efforts. (These local agencies have adopted, in toto, the State statutes and regulations.) The local agency burden is lessened by the fact that jurisdiction over major sources of air pollution has been retained by the State agency.

Notwithstanding the fact that we have approved the regulations mentioned above, there are several potential problems. State statutory authority for enforcement, although adequate to allow enforcement action, does not provide for mandatory enforcement of a violation of the regulations. Similarly, when enforcement action is taken, there is neither an obligation to require corrective action nor is there a specified time within which such correction, if any, must be taken. Consequently, the possibility exists for either weak or open-ended State enforcement of its regulations.

At this point it is impossible to determine whether or not the State will use its enforcement authority aggressively to attain national standards. We will work closely with the State to seek legislative correction of these apparent weaknesses in the enforcement provisions.

B. State Air Quality Regions

1. Missoula: Ambient air quality for particulates exceeds the National primary ambient air quality standards. A combination of sources: Hoerner Waldorf Corporation (Kraft pulp mill); Dupius Brothers Lumber Company (plywood plant-wood burners, etc.); Van Evans Company (teepee

burners and sawmill) and slash burning (seasonal) account for most of the excessive level. Some sources of excessive emissions are under variance, while others are not, see page 23-24 of Montana IP. Obviously, a great deal of attention will have to be paid to this situation and notices of violations issued as soon as the IP has become effective, if variances are not developed in the interim.

2. Great Falls - SO_x: Anaconda Zinc Smelter, plus the Phillips Petroleum refinery, is the reason that the SO_x primary ambient air quality standard is being exceeded. Information at this date indicates that the smelter has begun to cease operations; thereby eliminating it from the problem area. The refinery is presently on a variance from present regulations. Compliance with the regulation would achieve the air quality standards.

3. Helena - Particulates and SO_x American Smelting and Refinery Company (ASARCO), a lead and zinc smelter, is the source of particulates and SO_x emission which currently cause the primary national standards to be exceeded. Emissions from the Anaconda Copper Smelter at Anaconda are also causing the SO_x air quality standard to be exceeded. These sources are under State compliance schedules calling for compliance with a State emission regulation effective June 30, 1973. However, these SO_x compliance schedules were not submitted as part of the Montana IP and it is likely that EPA will have to develop regulations and compliance schedules. These regulations would call for interim progress dates to insure compliance with the regulation by July 31, 1975. It is possible, however, that the State agency will enforce the more stringent compliance schedules for SO_x making it unnecessary for EPA to do so.

III. Agency Objectives

A. Ensure attainment and maintenance of national primary ambient air quality standards by July 31, 1975, through proper monitoring of regulations and compliance schedules designed to ensure attainment of the standards. (See: IV Approach)

B. Assist the State in the development by February 15, 1973, of legally and technically adequate compliance schedules for all sources producing excessive emissions, and take Federal enforcement action with regard to the same if adequate action is not taken by the State within 30 days of any Notice of Violation issued by EPA, as required by Section 113 of the Clean Air Act.

C. Observe and analyze the success of the State and local enforcement effort to determine if the statutory provisions relating to enforcement and penalties are adequate. Assist the State in developing statutory language to improve any determined inadequacy, at such time as is appropriate.

IV. Approach

Efforts to reach primary national ambient air quality standards in Montana, both on the State and local level, appear to be adequate in many respects at this time. However, special attention will have to be given to the development by February 15, 1973, of adequate compliance schedules for all sources violating present regulations. Once adequate compliance schedules are established, either through the State variance procedure or the Federal enforcement procedure, enforcement efforts by Region VIII will turn to monitoring. The monitoring procedure will be as follows: when a

emission violation is alleged, we will check to ensure that the emission from the source is within the parameters allowed by State regulation as of the day of violation, and if not, we will see if a variance has been granted and the emission meets the variance conditions as of the date involved. If not, notice will be given and Federal enforcement action will be initiated when State action is deemed inadequate. In addition, failure to submit on time reports or plans required by a compliance schedule or regulation will result in a notice of violation. We will require correction within 30 days. Federal enforcement action will be taken if adequate correction is not made within the time allowed.

State enforcement effectiveness will be followed closely to determine if any improvement in the existing statutory requirements, or lack of requirements, is necessary. If the State does not strengthen the provisions in its enforcement statute, a period of Federally assumed enforcement will ensue.

1. TYPE OF PLAN	2. PROGRAM SUB-ELEMENT TITLE	3. SUB-ELEMENT NO.	4. SHEET NO.
☐ a. SUB-ELEMENT ☐ b. PART SUB-ELEMENT ☐ c. GEOGRAPHICAL AREA	Stationary Source Enforcement - Compliance Schedules	3A1121	1 of 1
	5. GEOGRAPHICAL AREA TITLE Montana: Missoula, Great Falls, & Helena AQCR	6. GEOGRAPHICAL AREA CODE 08	7. PRIORITY I & IA

8. CODE	9. NO.	10. SCHEDULE DATE OF COMPLETION	11. PLANNED ACCOMPLISHMENTS
	1	8-31-72	Promulgate enforcement regulations for SO_x standards for smelter sources.
	2	2-15-73	Place all sources in violation of State regulations for national air pollutants under compliance schedules and ensure, through cooperation with the State, that the content of the compliance schedules is legally and technically adequate.
	3	Ongoing	Monitor State administration and enforcement of compliance schedules; take action under Section 113 whenever violations occur.
	4	Ongoing	Observe effects of lack of requirement for corrective action and timetable for taking action in State enforcement authority; seek legislative improvement and/or assume period of Federal enforcement, if necessary.
	5	7-31-75	Achieve national primary ambient standards throughout State.

12. FY 1973		13. FY 1974		14. PREPARED BY AND DATE	15. REVIEW BY AND DATE
a. $1000	b. MAN-YEARS	a. $1000	b. MAN-YEARS	Tom Rogers 6/5/72	I. Dickstein 6/5/72
				16. APPROVED FOR RPIO	

EPA Form 3500-4 (Rev. 4-72)

PLANNED ACCOMPLISHMENTS SCHEDULE

UTAH COMPLIANCE SCHEDULES

I. Priority Areas Covered

A. Priority I - Wasatch Front Range - All Pollutants

B. Priority IA - Four Corners Area - Particulate, SO_x and NO_x

II. Problem Assessment

A. State Statute and Regulations

Utah regulations for the attainment of national primary air standards have been disapproved. Acceptable and enforceable revised regulations must be submitted by July 31, 1972, or Federally promulgated regulations will result. If the State does submit revised regulations, it is expected that they will take the form of emission limitations for all sources which will be immediately effective. If immediate compliance resulted, theoretically the national primary air standards would be achieved.

However, from a practical standpoint, many sources will not be able to comply immediately and will have to be placed on a compliance schedule. Under Utah law, such compliance schedules for emissions in violation of air standards can only be established through a variance procedure. These variances, by law, may not be issued to sources which pose a threat to human health. Therefore, a major problem is the legal enforceability of variances incorporating compliance schedules which would be issued to sources presently violating national primary standards established to protect the public health.

Consequently, an immediate task is to determine no later than June 30, 1972, whether or not the revised regulations, in their anticipated form, will be rendered unenforceable by the requirement that any variance issued must not endanger the public health. If a determination is made that the regulations will be unenforceable, we must work with the State to develop

enforceable regulations by July 31, 1972, which will not incorporate the variance procedure. New legislation modifying the variance law before July 31, 1972, is out of the question.

If the State does not submit an acceptable and enforceable set of revised regulations, we will have to promulgate such regulations for Utah. These regulations will contain interim achievement dates for attaining compliance with national primary standards. As such, these compliance schedules will not be dependent upon any State variance procedure. Indeed, the applicable Federal regulations do not provide for variances to Federally adopted compliance schedules.

Another problem concerns the fact that, under the Utah Implementation Plan, local air pollution control agencies have been delegated much responsibility by the Utah Air Pollution Control Agency. However, there is a great deal of vagueness as to how State and local enforcement activity will be coordinated. This could result in a dissipated enforcement program. Clarification will be sought.

A significant planning effort to focus on improving the Federal/State relationship and determine how to get the State to strengthen its compliance schedules under the present variance procedure will be necessary.

B. State Air Quality Areas

1. Wasatch Front: This AQCR includes Salt Lake City, the second largest metro area in Region VIII. The present air quality violates national ambient standards for all national pollutants. Kennecott Copper is the largest single stationary source contributor, with several oil refineries and severe mobile source pollution compounding the problem.

The problem, therefore, involves several areas and will require close attention to State enforcement of State or Federally established compliance schedules.

2. Four Corners: The Southwest Energy Study has predicted that ambient air quality standards for sulfur oxides will be exceeded as a result of a single source of pollution, a fossil fuel steam generating plant to be located near Price, Utah. The Utah IP at this time does not contain a regulation addressing itself to SO_x air quality. An enforceable regulation to achieve national standards must be submitted by the State by July 31, 1972, or a Federal regulation will be promulgated.

III. Agency Objectives

A. Ensure attainment and maintenance of national primary ambient air standards for SO_x, particulate, HC, NO_x and photochemical oxidants in the State of Utah by July 31, 1975. Standards for CO in the Wasatch intrastate AQCR must be achieved by July 31, 1977. Standards should be achieved through proper State administration of individual or source category compliance schedules, or through Federally assumed enforcement activity, if necessary. This objective applies to both the Wasatch Front and the Four Corners AQC Regions.

B. Strengthen compliance schedule programs through improvement of content and enforceability, and by development of all necessary regulations pertaining thereto. Federal action may be required if State progress is inadequate by July 31, 1972.

C. Work toward interim short-term achievement, in both emission reduction and visibility improvement, by improving Federal/State relationship and by stressing the importance of attaining compliance schedule interim dates.

IV. Approach

Assuming that revised regulations are submitted in their anticipated form, determination of the legality of granting variances under Utah law will have to be made immediately. If the variance procedure will render the revised regulations unenforceable, we must work closely with the State to develop regulations by July 31, 1972, which are enforceable and do not rely on a variance procedure. If such enforceable regulations are not submitted by July 31, 1972, Federal promulgation will ensue.

Following the establishment of enforceable regulations for developing effective compliance schedules, Federal enforcement activity will consist of observing closely State enforcement of such compliance schedules. Any violations of Section 113 of the Clean Air Act will be vigorously pursued.

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☐ a. SUB-ELEMENT ☐ b. PART SUB-ELEMENT ☐ c. GEOGRAPHICAL AREA	Stationary Source Enforcement - Compliance Schedules	3A1121	1 of 1
	5. GEOGRAPHICAL AREA TITLE Utah: Wasatch Front Range & Four Corners Area AQCR	6. GEOGRAPHICAL AREA CODE 08	7. PRIORITY I & IA

8. CODE	9. NO.	10. SCHEDULE DATE OF COMPLETION	11. PLANNED ACCOMPLISHMENTS
	1	6-30-72	Determine legal enforceability of anticipated revised regulations based on present Utah variance procedure.
	2	7-31-72	Work with State to develop enforceable revised regulations if present variance procedure invalid.
	3	8-31-72	Promulgate effective Federal regulations for attaining national air standards if State does not submit enforceable revised regulations.
	4	9-30-72	Determine how State and local agencies will handle respective enforcement authorities.
	5	2-15-73	Ensure that all compliance schedules developed through effective regulations are technically and legally enforceable and are submitted on time.
	6	Ongoing	Monitor State and local administration of State Implementation Plan to ensure effective enforcement of regulations; take Federal enforcement action whenever necessary under Section 113
	7	7-31-75/77	Achieve and maintain national ambient primary air quality standards for particulates, SO_x and hydrocarbon-oxidants throughout the State of Utah by July 31, 1975, and standards for CO and NO_x by July 31, 1977, on account of 2-year extension.

12. FY 1973		13. FY 1974		14. PREPARED BY AND DATE	15. REVIEW BY AND DATE
a. $1000	b. MAN-YEARS	a. $1000	b. MAN-YEARS	Irwin L. Dickstein, June 6, 1972	
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